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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 FEB 11 PM 12: 24

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| **UNITED STATES OF AMERICA,** Plaintiff, | Magistrate Docket No. '08 MJ 0387 |
| v. | COMPLAINT FOR VIOLATION OF: |
| **Verna CERVANTEZ-Gomez,** Defendant | Title 8, U.S.C., Section 1326 Deported Alien Found in the United States |

BY ___ DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **February 10, 2008** within the Southern District of California, defendant, **Verna CERVANTEZ-Gomez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **FEBRUARY 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

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**CONTINUATION OF COMPLAINT:**
**Verna CERVANTEZ-Gomez**

**PROBABLE CAUSE STATEMENT**

On February 10, 2008, at approximately 12:30 am, Senior Patrol Agent A. Furet Jr., responded to a seismic sensor activation in the area known as "The 90s". Agent Furet was advised, via service radio, by the National Guard Infrared Scope Operator, of two individuals running north on the west side of "Goat Canyon". "Goat Canyon" is approximately five miles west of the San Ysidro, California Port of Entry and approximately 350 yards north of the United States/Mexico International Boundary Fence. "Goat Canyon is commonly used by illegal aliens attempting to further their entry into the United States. After a brief search of the area, where the scope operator last had sight of the two individuals, Agent Furet encountered two individuals attempting to conceal themselves in some dense brush. Agent Furet approached the two individuals and identified himself as a United States Border Patrol Agent. Due to the close proximity to the United States/Mexico International Boundary Fence and the fact that they were attempting to conceal themselves, Agent Furet performed an immigration inspection on both individuals. Both individuals, including one later identified as the defendant Verna CERVANTEZ-Gomez, stated that they were citizens and nationals of Mexico not in possession of any immigration documents that would allow them to be or remain in the United States legally. At approximately 12:40am, Agent Furet placed both individuals under arrest and they were transported to the Imperial Beach Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 09, 2003** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.